

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Phillip J. Green

v.

Case No. 1:15-mj-287-PJG

BRANDON GOENS,

Defendant.

ORDER

This matter is before the Court on the government's motion for pretrial detention. The government sought defendant's detention on two bases: (1) that he poses a danger to other persons in the community, 18 U.S.C. § 3142(f)(1); and (2) that he poses a serious risk of flight. 18 U.S.C. § 3142(f)(2)(A). The Court conducted an evidentiary hearing today at which defendant was represented by counsel. The Court has also considered the information contained in the Pretrial Services Report. (ECF No. 7).

Defendant is charged by criminal complaint with possession with intent to distribute cocaine base and crystal methamphetamine, in violation of 21 U.S.C. § 841(a)(1) (ECF No. 1), for which the Court found probable cause. (ECF No. 8). This is an offense under the Controlled Substances Act for which the maximum penalty is greater than ten years' imprisonment. *See* 21 U.S.C. § 841(b)(1)(C). Accordingly, defendant is subject to a statutory rebuttable presumption in favor of detention. *See* 18 U.S.C. § 3142(e)(3)(A).

For the reasons stated on the record, the Court finds that, while giving him the benefit of the doubt that he rebutted the presumption concerning risk of flight, he has failed to rebut the presumption concerning danger to the community. Moreover, the government has proven by clear and convincing evidence that defendant poses a danger to the community. The Court also finds, as explained on the record, that there is no condition or combination of conditions that will ensure the safety of other persons in the community. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending further order of this Court.

DONE AND ORDERED this 18th day of December, 2015.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge